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OCA 86-1571
6 May 1986

MEMORANDUM FOR THE RECORD:

SUBJECT: State and Justice Testimony on Anti-Terrorism Legislation - Relaying Agency Comments to the Office of Management and Budget (OMB)

1. On May 5 and 6, 1986, I spoke with Annette Rooney, Legislative Analyst for OMB, and Russ Neely, Budget Analyst, of the same office. I conveyed to them the Agency's comments on the testimony of the Departments of State (Ambassador Parker W. Borg, Deputy, Office of the Ambassador-at-Large for Counterterrorism) and Justice (Stephen Trott, Assistant Attorney General, Criminal Division) before the Senate Foreign Relations Committee on various items of anti-terrorism legislation.

2. The principal focus of the testimony would be H.R. 4151 (the "Omnibus Diplomatic Security and Anti-Terrorism Act") and S. 2015 (the legislation portion of the original Administration diplomatic security package). The testimony would also address S. 1429 (extraterritorial jurisdiction for crimes committed abroad against Americans), S. 274 (criminal records checks for nuclear power plants employees) and S. 1941 (a modified comprehensive anti-terrorism bill originally introduced by Senator Denton).

3. I indicated that the Agency had no general objections to the testimony. We did suggest, however, that in the Justice testimony, page 3, second full paragraph, the second sentence be amended as follows:

> H.R. 4151 has many sections that the Administration believes will be beneficial to fight terrorism. It also contains some measures such as Sections 501 (Most wanted international terrorist list), Section 504 (coordination of anti-terrorism assistance), and Section 704 (Removal of place of birth information from passports) that in our judgment will be counterproductive and should be deleted from the bill.

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4. This amendment would serve to express the Agency's concerns about Section 504 of H.R. 4151, as noted in our letters to OMB on the bill. I indicated that the objection would go better in the Justice testimony rather than in the State testimony as it would be difficult for State to testify against a provision appearing to give the Secretary of State additional authority.

5. I also noted that in the discussion of Section 508 of H.R. 4151 (restrictions on aid to "terrorist"-designated nations), the State testimony made no mention of an intelligence/law enforcement exception. As the Justice testimony did, however, it would not appear necessary to change the State testimony at this point.

6. I had occasion in my discussions with OMB to note that the Department of Defense (DoD) also had concerns with Section 504 and that these were known by Mr. Vic Hadad, DoD. I then called Mr. Hadad to alert him to this and suggest that he might wish to have DoD indicate to OMB that it shared the Agency's concern with Section 504. He indicated that DoD had previously recommended an amendment to Section 504 which would expressly restrict its coverage to assistance provided under foreign aid legislation and that it would likely repeat this in its comments on the testimony. As such an amendment, if ever adopted, would meet the Agency's underlying concern, I did not object to this approach. The only concern at this point was to insure that DoD registered to OMB its objection to Section 504.

STAT

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